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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,659	01/15/2002	Gino W. Kennedy	1750.008	6613

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EXAMINER

GONZALEZ, JULIO C

ART UNIT PAPER NUMBER

2834

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,659	KENNEDY, GINO W.	
	Examiner	Art Unit	
	Julio C. Gonzalez	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second clutch as disclosed in claim 9 and the rigid mounting plate having a bolt hole pattern and a second bolt pattern as disclosed in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 6 is objected to because of the following informalities: "said perforated wall" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 4, 5, it is disclosed that the pulley is operable to drive the shaft independently of the clutch engagable pulley. Is the pulley driving itself? What is driving the pulley? What makes the pulley function independently?

In claim 12, is the mounting plate related to the mounting plate of the auxiliary engine 100 or is the mounting plate a different plate?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 7, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diefenthaler, Jr., in view of Wahnish and Mellum et al.

Diefenthaler, Jr. discloses an air conditioner compressor 37 having a single shaft with an engagable pulley 49 and a belt driven pulley 47 coupled to the main engine 1, an auxiliary plant 83, a motor 85 linked to the compressor 37 through a second pulley 91 (see figure 1). Moreover, it is disclosed that the pulleys may be engaged or disengaged, which it would make the pulleys function independently (column 6, lines 37-45, 46-56; column 7, lines 4-11).

However, Diefenthaler does not disclose explicitly using a motor linked to the compressor.

On the other hand, Wahnish discloses for the purpose of insuring adequate cooling for an air conditioning system, an engine 18 having a pulley 36 with a belt 34, which is coupled to a compressor 26 and the compressor 26 is coupled via a second pulley 32 to an electric motor 40 (see figure 5).

However, neither Diefenthaler nor Wahnish disclose that an auxiliary system may be used in a diesel truck.

On the other hand, Mellum et al discloses for the purpose of preventing damage to the truck's compressor and making an efficient cooling system that it is well known in the art to use auxiliary systems for use in diesel trucks (column 1, lines 10, 11, 30-33). Moreover, Mellum et al teaches that auxiliary power source may be placed within an enclosure 20 (see figures 1, 2A).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design an air conditioning system as disclosed by Diefenthaler and to modify the invention by linking explicitly a motor to the compressor for the purpose of insuring adequate cooling for an air conditioning system as disclosed by Wahnish and to use the auxiliary system in a truck for the

purpose of preventing damage to the truck's compressor and making an efficient cooling system as disclosed by Mellum et al.

7. Claims 2, 3, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diefenthaler, Jr., Wahnish and Mellum et al as applied to claims 1 and 13 above, and further in view of Kennedy.

The combined air conditioning system discloses all of the elements above. However, the combined air conditioning system does not disclose using a horizontal diesel engine.

On the other hand, Kennedy discloses for the purpose of reducing the space needed for auxiliary generators, a generator 24, a diesel engine 12 and having brackets 28 between the generator and the engine (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined air conditioning system as disclosed above and to modify the invention by using a horizontal engine for the purpose of reducing the space needed for auxiliary generators as disclosed by Kennedy.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diefenthaler, Jr., Wahnish and Mellum et al as applied to claim 1 above, and further in view of Aoki et al.

The combined air conditioning system discloses all of the elements above. However, the combined air conditioning system does not disclose using relays for controlling the pulleys.

On the other hand, Aoki et al discloses for the purpose of reducing noise due to slip of a driving force and reducing fuel consumption that clutch pulleys of air conditioners may be controlled by using relays (column 6, lines 63-67 & see figure 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined air conditioning system as disclosed above and to modify the invention by using relays for clutch pulleys control means for the purpose of reducing noise due to slip of a driving force and reducing fuel consumption as disclosed by Aoki et al.

9. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diefenthaler, Jr., Wahnish, Mellum et al and Kennedy as applied to claims 1 and 3 above, and further in view of Mikami (JP 411148348A).

The combined air conditioning system discloses all of the elements above. However, the combined air conditioning system does not disclose that the auxiliary engine has a radiator between a fan and a wall.

On the other hand, Mikami discloses for the purpose of radiating efficiently heat generated to the outside, a radiator 25 between a perforated wall and a fan 26 (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined air conditioning system as disclosed above and to modify the invention by having a radiator between a fan and a wall radiating efficiently heat generated to the outside as disclosed by Mikami.

10. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diefenthaler, Jr., Wahnish, Mellum et al and Kennedy as applied to claims 2 and 3 above.

The combined air conditioning system discloses all of the elements above. However, the combined air conditioning system does not disclose height and the power of the auxiliary engine.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a fifteen inch wall height for the enclosure of the auxiliary engine and using a certain power output for the auxiliary engine since it has been held that discovering the optimum value of result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


KARL TAMAI
PRIMARY EXAMINER

Jcg

July 8, 2003